THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9545 of 2007

Between:
Sister of Ubdi Anjaneyulu
alias Chinna. .. PETITIONER

versus

The Station House Officer, Special
Operation Team, Cyberabad,
Sanatnagar Police Station, Ranga
Reddy District and two others. .. RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9545 of 2007

ORDER:

This is a taken up Writ Petition, which was taken on file in pursuance of the telegram sent by the petitioner, sister of Ubdi Anjaneyulu alias Chinna (Detenu), dated 26.4.2007, wherein it is prayed for issuance of a Writ of Habeas Corpus directing the respondents to produce Ubdi Anjaneyulu alias Chinna, s/o. Shakaraiah, aged 25 years, r/o. Shiva Nagar Colony, Guntur District, before this Court, who was arrested along with one Mr.Basha and Bhaskar Reddy on 10.4.2007 by the police Miryalaguda and handed over to Special Operation Team, Sanathnagar Police Station, Cyberabad and apprehending danger to his life and set him at liberty

forthwith and pass such other suitable orders.

2. In the counter affidavit filed by 3rd respondent it was stated in paragraph 4 that the alleged detenu is shown as accused No.7 in crime No.112 of 2007 for the offence under Section 379 IPC of Miryalaguda Town P.S. and the crime was registered on 19.4.2007. It is stated that pursuant to the registration of the said crime, the alleged detenu along with A.6 in the above crime was arrested on 30.4.2007 and subsequent to his arrest he was duly produced before the Judicial First Class Magistrate, Miryalaguda, on the same day with a request to provide him with judicial remand and the learned Magistrate was pleased to remand them to judicial custody. It is further stated that by virtue of the said remand order of the learned Magistrate dated 30.4.2007, the alleged detenu and A.6 are under judicial remand at Sub-Jail, Nalgonda and hence the allegation that the alleged detenu was illegally detained by the 3rd respondent police on 10.4.2007 is false and baseless statement, because the very basis for registration of the said crime is the complaint dated 19.4.2007 given by one Siddagani Yadaiah of Miryalaguda town and as such there is no occasion necessitated the police much less the 3rd respondent to illegally detain the alleged detenu on 10.4.2007. It is also further stated in paragraph 5 of the counter affidavit that the very basis for registration of the said crime is the complaint dated 19.4.2007 given by one Siddagani Yadaiah of Miryalaguda town and in his complaint dated 19.4.2007 he stated that on 18.4.2007 at midnight he parked his lorry bearing No.AHJ 1796 in front of a petrol bunk at Hanumanpet Chowrasta, Miryalaguda and went home. It is stated that on 19.4.2007 at about 5.30 AM when he came to his lorry and found that 7 persons are committing theft of diesel from his lorry and on seeing him, the said

persons escaped on their car and lorry. It is further stated that immediately he himself with the help of some others chased the above two crime vehicles and stopped them at Eadulaguda bye-pass road and in the meantime three offenders fled away, however, the complainant and others were able to caught hold of two offenders from car bearing No.AP 5S 8595 and two offenders from lorry bearing No.AP 20T 4667. On enquiry, the four offenders revealed their names as (1) Sadula Madhusudhan Reddy alias Bhaskar Reddy, (2) Bijjela Srinivas Reddy, (3) Shaik Jan Basha and (4) Chinamolu Chand and the said offenders further revealed the names of escaped offenders as (1) Shaik Mohd. Jabeer, (2) Shaik Abdul Raheem and (3) Voobudhi China Anjaneyulu alias Ubdi Anjaneyulu (alleged detenu herein) and the said four offenders confessed to have committed theft of diesel from the lorry of the complainant. It is also stated that the complainant after securing the presence of the offenders, brought them and handed over to the 3rd respondent police and requested the police for taking necessary action and basing on his complaint, the A.S.I. of Police-3rd respondent PS. Registered the above crime and took up investigation. It is stated that while arresting the above four offenders on 19.4.2007, they were produced before the Judicial First Class Magistrate, Miryalaguda, on the same day and the learned Magistrate sent them to judicial remand.

3. In the light of the specific stand taken in paragraph 5 of the counter affidavit, this Court is of the considered opinion that no further orders need be passed in the present Writ Petition.

4. Accordingly, the Writ Petition is hereby closed.

P.S.NARAYANA, J.

NOOTY RAMAMOHANA RAO, J.

Dt:16.5.2007.
SSR/TSY